

# WILENTZ

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April 4, 2024

**VIA ECF**

Honorable Jamel K. Semper, U.S.D.J.  
United States District Court, District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

***Re: Abuchi Raymond Wealth v. Fox Rothschild LLP et al.  
Civil Action No. 2:23-cv-03194***

Dear Judge Semper:

This law firm represents Fox Rothschild LLP, a defendant in the above captioned matter. Pending before this Court is the motion filed by Fox Rothschild for a Protective Order (the “Motion”) (ECF No. 59-1) to enjoin Plaintiffs’ counsel from making additional extrajudicial statements about Fox Rothschild during the pendency of this case. Opposition and Reply Briefs were filed and the Motion was submitted to the Court for disposition on April 1, 2024.

We respectfully request the Court’s permission for leave to file this letter and the accompanying Declaration as a sur-reply in further support of the Motion to bring to the Court’s attention a highly relevant decision issued yesterday bearing upon the Motion.

The Motion concerns the conduct by Plaintiffs’ counsel, Tyrone Blackburn, Esq., in making sensational and erroneous statements to the media in an effort to embarrass defendants with outrageous allegations in an attempt to pressure defendants to settle this case quickly. For example, the moving Brief on behalf of Fox Rothschild addressed improper statements by Mr. Blackburn to the media “for the nefarious and improper purpose of pressuring the (adverse) party to settle the case for an unwarranted amount”... and to “use the press as a hammer to extract a prompt monetary settlement.” (ECF No. 59-1, page 2). That Brief also addressed conduct by Mr. Blackburn to create media attention for himself by filing cases in the federal court and issuing extreme and inflammatory statements after the case is filed. (ECF No. 59-1, page 8).

Yesterday, Judge Denise Cote of the United States District Court for the Southern District of New York, who has now served on that Court for 30 years, entered an Opinion and Order involving Mr. Blackburn. Judge Cote has referred Mr. Blackburn's conduct to that Court's Grievance Committee based on, in the words of Judge Cote:

A reasonable inference from Blackburn's pattern of behavior is that he improperly files cases in federal court to garner media attention, embarrass defendants with salacious allegations, and pressure defendants to settle quickly. (Opinion and Order at pages 13-14). (A copy of Judge Cote's April 3, 2024 Opinion and Order is attached as *Exhibit "A"* to the accompanying Declaration of Brian J. Molloy, Esq.)

The misconduct described by Judge Cote underlying her referral of Mr. Blackburn to that Court's Grievance Committee mirrors exactly the conduct of Mr. Blackburn in this case, and in five (5) other cases filed by Mr. Blackburn mentioned in Judge Cote's Opinion and Order. While Judge Cote refrained from sanctioning Mr. Blackburn under Fed. R. Civ. P. 11, she recognized that the court could no longer wait to take affirmative steps to deter similar future misconduct and ensure that Mr. Blackburn complies with his obligations as an officer of the court. It is respectfully submitted that Judge Cote's Opinion and Order is further evidence why Fox Rothschild needs the relief sought in the pending Motion *at this time* in order to curb future conduct of Mr. Blackburn.

Respectfully submitted,



BRIAN J. MOLLOY

BJM/lb

cc: James B. Clark, U.S.M.J. (*Via ECF*)  
Tyrone Blackburn, Esq. (*Via ECF & Email*)  
Ronald Israel, Esq. (*Via ECF & Email*)  
Mary Toscano, Esq. (*Via ECF & Email*)